

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation
Against:**

Khaled Aly Tawansy, M.D.

File No. 800-2013-002101

**Physician's and Surgeon's
Certificate No. G 76762**

Respondent

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on December 7, 2017.

IT IS SO ORDERED November 7, 2017.

MEDICAL BOARD OF CALIFORNIA

By:


**Kristina Lawson, J.D., Chair
Panel B**

1 XAVIER BECERRA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 MICHAEL C. BRUMMEL
Deputy Attorney General
4 State Bar No. 236116
California Department of Justice
5 2550 Mariposa Mall, Room 5090
Fresno, CA 93721
6 Telephone: (559) 477-1679
Facsimile: (559) 445-5106
7 E-mail: Michael.Brummel@doj.ca.gov

8 *Attorneys for Complainant*

10 **BEFORE THE**
11 **MEDICAL BOARD OF CALIFORNIA**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

14 **KHALED ALY TAWANSY, M.D.**
15 **7447 N FIGUEROA ST., # 200**
LOS ANGELES, CA 90041

16 **Physician's and Surgeon's Certificate No.**
17 **G 76762**

18 Respondent.

Case No. 800-2013-002101

OAH No. 2016100900

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
23 of California (Board). She brought this action solely in her official capacity and is represented in
24 this matter by Xavier Becerra, Attorney General of the State of California, by Michael C.
25 Brummel, Deputy Attorney General.

26 2. Respondent Khaled Aly Tawansy, M.D. (Respondent) is represented in this
27 proceeding by attorney Nicholas D. Jurkowitz, Esq., whose address is: 1990 S. Bundy Drive,
28 Suite 777, Los Angeles, CA 90025.

3. On or about August 31, 2001, the Board issued Physician's and Surgeon's Certificate No. G 76762 to Khaled Aly Tawansy, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2013-002101, and will expire on January 31, 2019, unless renewed.

JURISDICTION

4. Accusation No. 800-2013-002101 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on April 19, 2016. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2013-002101 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2013-002101. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent does not contest that, at an administrative hearing, complainant could establish a *prima facie* case with respect to the charges and allegations contained in Accusation No. 800-2013-002101 and that he has thereby subjected his license to disciplinary action.

10. Respondent agrees that his Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Board's terms as set forth in the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

A. PUBLIC REPRIMAND

IT IS HEREBY ORDERED that Respondent Khaled Aly Tawansy, M.D., Physician's and Surgeon's Certificate No. G 76762, shall be and is hereby Publicly Reprimanded pursuant to California Business and Professions Code section 2227, subdivision (a)(4). This Public Reprimand, which is issued in connection with Respondent's medical record keeping as set forth in Accusation No. 800-2013-002101, is as follows:

///

1 This Public Reprimand is issued pursuant to Code section 2227 as a result of the
2 allegations set forth in the Accusation, relating to the failure to maintain adequate
3 and accurate records.

4 B. MEDICAL RECORD KEEPING COURSE

5 Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a
6 course in medical record keeping equivalent to the Medical Record Keeping Course offered by
7 the Physician Assessment and Clinical Education Program, University of California, San Diego
8 School of Medicine (Program), approved in advance by the Board or its designee. Respondent
9 shall provide the program with any information and documents that the Program may deem
10 pertinent. Respondent shall participate in and successfully complete the classroom component of
11 the course not later than six (6) months after Respondent's initial enrollment. Respondent shall
12 successfully complete any other component of the course within one (1) year of enrollment. The
13 medical record keeping course shall be at Respondent's expense and shall be in addition to the
14 Continuing Medical Education (CME) requirements for renewal of licensure.

15 A medical record keeping course taken after the acts that gave rise to the charges in the
16 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
17 or its designee, be accepted towards the fulfillment of this condition if the course would have
18 been approved by the Board or its designee had the course been taken after the effective date of
19 this Decision.

20 Respondent shall submit a certification of successful completion to the Board or its
21 designee not later than 15 calendar days after successfully completing the course, or not later than
22 15 calendar days after the effective date of the Decision, whichever is later.

23 C. EDUCATION COURSE. Within 60 calendar days of the effective date of this
24 Decision, Respondent shall submit to the Board or its designee for its prior approval educational
25 program(s) or course(s) which shall not be less than 40 hours. The educational program(s) or
26 course(s) shall be aimed at correcting any areas of deficient practice or knowledge and shall be
27 Category I certified. The educational program(s) or course(s) shall be at Respondent's expense
28 and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of

1 licensure. Following the completion of each course, the Board or its designee may administer an
2 examination to test Respondent's knowledge of the course. Respondent shall provide proof of
3 attendance for 65 hours of CME of which 40 hours were in satisfaction of this condition.

4 D. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of
5 the effective date of this Decision, Respondent shall enroll in a professionalism program, that
6 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.
7 Respondent shall participate in and successfully complete that program. Respondent shall
8 provide any information and documents that the program may deem pertinent. Respondent shall
9 successfully complete the classroom component of the program not later than six (6) months after
10 Respondent's initial enrollment, and the longitudinal component of the program not later than the
11 time specified by the program, but no later than one (1) year after attending the classroom
12 component. The professionalism program shall be at Respondent's expense and shall be in
13 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

14 A professionalism program taken after the acts that gave rise to the charges in the
15 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
16 or its designee, be accepted towards the fulfillment of this condition if the program would have
17 been approved by the Board or its designee had the program been taken after the effective date of
18 this Decision.

19 Respondent shall submit a certification of successful completion to the Board or its
20 designee not later than 15 calendar days after successfully completing the program or not later
21 than 15 calendar days after the effective date of the Decision, whichever is later.

22 E. FAILURE TO COMPLY

23 Any failure by Respondent to comply with the terms and conditions of the Disciplinary
24 Order set forth above shall constitute unprofessional conduct and grounds for further disciplinary
25 action.

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27 ///

28 ///

1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, Nicholas D. Jurkowitz, Esq. I understand the stipulation and the
4 effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated
5 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
6 bound by the Decision and Order of the Medical Board of California.

7
8 DATED: 7/14/17

(Khaled Aly Tawansy, M.D.)
KHALED ALY TAWANSY, M.D.
Respondent

10 I have read and fully discussed with Respondent Khaled Aly Tawansy, M.D. the terms and
11 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
12 I approve its form and content.

13 DATED: 7-16-17

(Nicholas D. Jurkowitz, Esq.)
NICHOLAS D. JURKOWITZ, ESQ.
Attorney for Respondent

16 ENDORSEMENT

17 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
18 submitted for consideration by the Medical Board of California.

19
20 Dated:

Respectfully submitted,

21 XAVIER BECERRA
Attorney General of California
22 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General

23
24 MICHAEL C. BRUMMEL
Deputy Attorney General
25 Attorneys for Complainant
26

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28 95232743.docx

1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, Nicholas D. Jurkowitz, Esq. I understand the stipulation and the
4 effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated
5 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
6 bound by the Decision and Order of the Medical Board of California.

7
8 DATED: _____

9 KHALED ALY TAWANSY, M.D.
10 *Respondent*

11 I have read and fully discussed with Respondent Khaled Aly Tawansy, M.D. the terms and
12 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
13 I approve its form and content.

14 DATED: _____

15 NICHOLAS D. JURKOWITZ, ESQ.
16 *Attorney for Respondent*

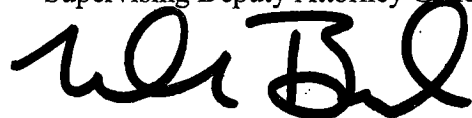
17 ENDORSEMENT

18 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
19 submitted for consideration by the Medical Board of California.

20 Dated: **7/17/2017**

21 Respectfully submitted,

22 XAVIER BECERRA
23 Attorney General of California
24 ALEXANDRA M. ALVAREZ
25 Supervising Deputy Attorney General

26 

27 MICHAEL C. BRUMMEL
28 Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2013-002101

1 KAMALA D. HARRIS
Attorney General of California
2 VLADIMIR SHALKEVICH
Acting Supervising Deputy Attorney General
3 MICHAEL C. BRUMMEL
Deputy Attorney General
4 State Bar No. 236116
California Department of Justice
5 2550 Mariposa Mall, Room 5090
Fresno, CA 93721
6 Telephone: (559) 477-1679
Facsimile: (559) 445-5106
7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO April 19 20 16
BY R. Firdaus ANALYST

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2013-002101

13 **Khaled Aly Tawansy, M.D.**
14 **7447 N FIGUEROA ST., # 200**
15 **LOS ANGELES, CA 90041**

A C C U S A T I O N

16 **Physician's and Surgeon's Certificate**
17 **No. G76762,**

Respondent.

18 Complainant alleges:

PARTIES

19 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
20 capacity as the Executive Director of the Medical Board of California, Department of Consumer
21 Affairs (Board).

22 2. On or about August 31, 2001, the Medical Board issued Physician's and Surgeon's
23 Certificate Number G76762 to Khaled Aly Tawansy, M.D. (Respondent). The Physician's and
24 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein
25 and will expire on January 31, 2017, unless renewed.

JURISDICTION

26 3. This Accusation is brought before the Board, under the authority of the following
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.
28

1 4. Section 2227 of the Code provides that a licensee who is found guilty under the
2 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed
3 one year, placed on probation and required to pay the costs of probation monitoring, or such other
4 action taken in relation to discipline as the Board deems proper.

5 5. Section 2234 of the Code, states:

6 “The board shall take action against any licensee who is charged with unprofessional
7 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not
8 limited to, the following:

9 “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
10 violation of, or conspiring to violate any provision of this chapter.

11 “(b) Gross negligence.

12 “(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or
13 omissions. An initial negligent act or omission followed by a separate and distinct departure from
14 the applicable standard of care shall constitute repeated negligent acts.

15 “(1) An initial negligent diagnosis followed by an act or omission medically appropriate
16 for that negligent diagnosis of the patient shall constitute a single negligent act.

17 “(2) When the standard of care requires a change in the diagnosis, act, or omission that
18 constitutes the negligent act described in paragraph (1), including, but not limited to, a
19 reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the
20 applicable standard of care, each departure constitutes a separate and distinct breach of the
21 standard of care.

22 “(d) Incompetence.

23 “(e) The commission of any act involving dishonesty or corruption that is substantially
24 related to the qualifications, functions, or duties of a physician and surgeon.

25 “(f) Any action or conduct which would have warranted the denial of a certificate.

26 “(g) The practice of medicine from this state into another state or country without meeting
27 the legal requirements of that state or country for the practice of medicine. Section 2314 shall not
28

1 apply to this subdivision. This subdivision shall become operative upon the implementation of the
2 proposed registration program described in Section 2052.5.

3 “(h) The repeated failure by a certificate holder, in the absence of good cause, to attend and
4 participate in an interview by the board. This subdivision shall only apply to a certificate holder
5 who is the subject of an investigation by the board.”

6 6. Section 2266 of the Code states: “The failure of a physician and surgeon to maintain
7 adequate and accurate records relating to the provision of services to their patients constitutes
8 unprofessional conduct.”

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Unprofessional Conduct, Negligence)**

11 7. At all times relevant to this Accusation, Respondent, an ophthalmologist and vitreo-
12 retinal surgeon, owned and operated a medical practice located in Bakersfield, California and
13 commonly known as the Golden State Eye Center (GSEC). On or about 2005 through December
14 of 2014, Respondent also worked at the Kern Medical Center (KMC), where he provided care for
15 pediatric patients, emergency care and management of patients in need of laser treatment or
16 vitrectomy surgery. In addition to his practice at the GSEC and KMC, Respondent also worked at
17 a county clinic where he provided treatment to indigent patients.

18 8. Respondent commonly used Avastin¹ to treat patients at multiple locations. Avastin
19 is generally prepared by a hospital pharmacy or a compounding pharmacy under sterile
20 conditions. It is prepared and placed into syringes that contain a lot number, expiration date and
21 identification of the preparer.

22 9. Respondent acquired Avastin from KMC and kept it on his person or in his own
23 refrigerator at GSEC. Respondent personally transported KMC’s Avastin to GSEC. Respondent
24 was not authorized to remove KMC’s Avastin to GSEC.

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26
27 ¹ Avastin (bevacizumab) is a drug that is injected into the eye to slow vision loss in people
28 who have age-related macular degeneration. It is a part of a class of drugs that block the growth
of abnormal blood vessels.

1 10. On or about November of 2013, Respondent's GSEC staff observed 12 outdated
2 syringes containing Avastin that were labeled as property of KMC. The syringes were located in
3 the refrigerator of GSEC.

4 11. Respondent consolidated multiple vials of Avastin into a single injectable syringe
5 while working at GSEC. Respondent stated that when an injection of Avastin was insufficient, he
6 "would add to the syringe to make it 2.5 mg." Respondent combined the various prescriptions of
7 Avastin in unsterile conditions.

8 12. On or about December 20, 2014, Respondent divided a vial of silicone oil intended
9 for single-use on a single patient and prepared it for three separate patients.

10 Departures from the Standard of Care

11 13. Respondent's license is subject to disciplinary action under sections 2234, and/or
12 2234, subdivision (a), and/or 2234, subdivision (c) in that he engaged in unprofessional conduct,
13 and/or repeated negligent acts, including but not limited to the following:

14 (a) Respondent combined Avastin from different syringes in an unsterile environment
15 into one syringe for injection into patients.

16 (b) Respondent repeatedly used a vial of silicone oil that is intended for one-time use on
17 multiple patients.

18 (c) Respondent obtained Avastin compounded by Kern Medical Center and removed it to
19 his own practice at GSEC in the absence of documented authorization.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Unprofessional Conduct, Gross Negligence, Negligence, Inadequate Records)**

22 **Patient M.C.²**

23 14. On or about April 9, 2013, Respondent noted in M.C.'s medical records that the
24 visual acuity was 20/30 in the right eye and 20/200 in the left eye. The records also included a
25 note that the right eye was 20/100 but this was crossed out without a date or initials. M.C.'s
26 intraocular pressure was 11 in the right eye and 38 in the left eye. Respondent noted corneal

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28 ² Patient initials are used throughout this Accusation in order to preserve patient privacy.

1 edema and striae in the left eye. On or about April 11, 2013, Respondent started M.C. on
2 antiglaucomatous medications. M.C. continued taking the antiglaucomatous medication until
3 April 30, 2013 when his intraocular pressure was down to 8 mmHg. On or about May 16, 2013,
4 the average retinal nerve fiber layer in M.C.'s right eye was 95 microns and the left eye was at 71
5 microns.

6 15. On or about June 10, 2013, Respondent performed a pars plana vitrectomy, epiretinal
7 membrane peel and repositioning of the intraocular lens into the sulcus in the left eye of patient
8 M.C. The operative report included two phrases that were crossed out and a handwritten note
9 indicating that the hyaloids were removed. The records contain no initials or dates to indicate
10 who was responsible for the changes to the medical record.

11 16. On or about April 14, 2014, Respondent performed a pars plana vitrectomy with oil
12 injection in M.C.'s left eye. Respondent's medical records fail to contain an operative note or
13 record for the procedure. Respondent's medical records for M.C. fail to contain a postoperative
14 day 1 follow-up examination note after the procedure.

15 Departures from the Standard of Care

16 17. Respondent's license is subject to disciplinary action under sections 2234, and/or
17 2234, subdivision (a), and/or 2234, subdivision (b), and/or 2234, subdivision (c), and/or 2266, for
18 his treatment of patient M.C., in that he engaged in unprofessional conduct, and/or gross
19 negligence, and/or repeated negligent acts, and/or failed to keep adequate and accurate records
20 relating to the provision of services, including but not limited to the following:

21 (a) Respondent's medical records for patient M.C. include an operative report in which
22 sections were crossed out absent initials, signatures or dates to support the edits to the medical
23 record.

24 (b) Respondent's medical records for patient M.C. fail to contain an operative note or
25 record for the pars plana vitrectomy or post operative day 1 follow-up examination.

26 (c) Respondent failed to adequately manage M.C.'s elevated intraocular pressures after
27 cataract extraction in the left eye on April 8, 2013.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct, Negligence, Inadequate Records)**

3 **Patient J.O.**

4 18. On or about August 2, 2012, patient J.O. first sought treatment from Respondent for
5 evaluation of cataracts.

6 19. On or about August 26, 2013, Respondent performed a pars plana vitrectomy, foreign
7 body removal, replacement of the removed intraocular lens with an intraocular lens that was
8 sutured to the ciliary sulcus on patient J.O. The diagnosis was a vitreous prolapse, corneal
9 foreign body and subluxed intraocular lens in the left eye. In the typewritten operative note,
10 someone has crossed out by hand a section that states that a membrane peel was performed along
11 with the sentence about removing the membrane. Below the typed section of the operative note
12 there is a handwritten note that states that the capsule bag was noted to be luxated posteriorly. At
13 the bottom of the page there is a handwritten sentence stating that the intraocular lens was suture
14 fixated. There is no signature, initials or date to indicate who made these changes to the medical
15 record and when.

16 **Departures from the Standard of Care**

17 20. Respondent's license is subject to disciplinary action under sections 2234, and/or
18 2234, subdivision (a), and/or 2234, subdivision (c), and/or 2266, for his treatment of patient J.O.,
19 in that he engaged in unprofessional conduct, and/or repeated negligent acts, and/or failed to keep
20 adequate and accurate records relating to the provision of services, including but not limited to the
21 following:

22 (a) Respondent's medical records for patient J.O. include an operative report in which
23 sections were crossed out absent initials, signatures or dates to support the edits to the medical
24 record.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct, Negligence, Inadequate Records)**

3 **Patient C.R.**

4 21. On or about November 7, 2011, patient C.R. first sought treatment from Respondent
5 for evaluation of glaucoma.

6 22. On or about June 6, 2013, Respondent performed a cataract extraction with an
7 intraocular lens implant in C.R.'s left eye. At the bottom of the June 6, 2013 operative note, there
8 are additional handwritten notes noting a pars plana vitrectomy of July 10, 2013 which is signed
9 at the bottom of the page by Respondent and dated July 31, 2013. On June 13, 2013, visual acuity
10 was 20/100 in the left eye and the patient was using prednisolone, vigamox, nevanac, alphagan
11 and azopt eye drops. C.R.'s intraocular pressure was reported to be elevated the first
12 postoperative day and the intraocular lens was noted to be in place.

13 23. Respondent's medical records for C.R. contain no postoperative note for the first
14 postoperative visit after the operation performed on or about June 6, 2013.

15 **Departures from the Standard of Care**

16 24. Respondent's license is subject to disciplinary action under sections 2234, and/or
17 2234, subdivision (a), and/or 2234, subdivision (c), and/or 2266, for his treatment of patient C.R.,
18 in that he engaged in unprofessional conduct, and/or repeated negligent acts, and/or failed to keep
19 adequate and accurate records relating to the provision of services, including but not limited to the
20 following:

21 (a) Respondent's medical records for patient C.R. fail to include documentation of a
22 postoperative visit and fail to adequately and accurately document the postoperative treatment
23 provided.

24 **FIFTH CAUSE FOR DISCIPLINE**

25 **(Unprofessional Conduct, Negligence, Inadequate Records)**

26 **Patient M.E.C.**

27 25. On or about June 20, 2013, Respondent performed a pars plana vitrectomy and
28 repositioning of M.E.C.'s subluxed multifocal lens in the anterior chamber, rather than the sulcus

1 or the capsular bag. Respondent's operative records for patient M.E.C. include a typewritten note
2 that a membrane peel was performed and a sentence about the membrane being peeled and placed
3 into the sulcus which are both crossed out by hand and contain Respondent's initials but no date.
4 The clinic records for the same June 20, 2013 procedure also state that a membrane peel was
5 performed and that the membrane was placed into the sulcus but fail to contain any of the written
6 changes consistent with the modified operative records.

7 26. Respondent's medical records for M.E.C. contain a history and physical prior to a
8 surgical procedure occurring on or about May 13, 2013. Although the history and physical is
9 dated May 13, 2013, it contains a nurses signature and a date of September 30, 2013 at the bottom
10 of the page.

11 Departures from the Standard of Care

12 27. Respondent's license is subject to disciplinary action under sections 2234, and/or
13 2234, subdivision (a), and/or 2234, subdivision (c), and/or 2266, for his treatment of patient
14 M.E.C., in that he engaged in unprofessional conduct, and/or gross negligence, and/or repeated
15 negligent acts, and/or failed to keep adequate and accurate records relating to the provision of
16 services, including but not limited to the following:

17 (a) Respondent placed M.E.C.'s subluxed lens into the anterior chamber rather than the
18 sulcus or the capsular bag.

19 (b) Respondent failed to document all changes made to the medical records by initialing
20 who made the change and by dating any changes made to the medial records.

21 PRAYER

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
23 and that following the hearing, the Medical Board of California issue a decision:


24 1. Revoking or suspending Physician's and Surgeon's Certificate Number G76762,
25 issued to Khaled Aly Tawansy, M.D.;

26 2. Revoking, suspending or denying approval of Khaled Aly Tawansy, M.D.'s authority
27 to supervise physician assistants, pursuant to section 3527 of the Code;
28

1 3. Ordering Khaled Aly Tawansy, M.D., if placed on probation, to pay the Board the
2 costs of probation monitoring; and

3 4. Taking such other and further action as deemed necessary and proper.

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5 DATED: April 19, 2016


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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